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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DALE M.,¹

Case No. 3:21-cv-01484-SI

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,

ORDER FOR ATTORNEY FEES UNDER
42 U.S.C. § 406(b)

Defendant.

Plaintiff, Dale M., brought this action for review of the Commissioner's final decision to deny Plaintiff's applications for disability benefits under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401-34. Doc. No. 1. The Court reversed the Commissioner's decision and remanded this matter for further proceedings. Doc. Nos. 15, 16.

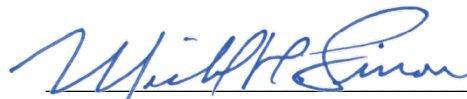
¹ In the interest of privacy, this order uses only the first name and the initial of the last name of the non-governmental party or parties in this case.

Plaintiff now seeks an award of attorney fees under 42 U.S.C. § 406(b) following the Commissioner's award of benefits through the remand proceedings. Doc. Nos. 22, 23. The Court finds that the requested fees are reasonable.

Plaintiff's motion for attorney fees (Doc. Nos. 22, 23) is granted. Plaintiff's counsel is awarded \$26,719.50 in attorney fees under 42 U.S.C. § 406(b). Earlier, the Court awarded Plaintiff attorney fees in the amount of \$10,618.85 under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). Doc. No. 21. Plaintiff's counsel confirmed receipt of EAJA attorney fees in that amount. Doc. No. 23. An EAJA award of attorney fees offsets an award under Section 406(b). Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002). Therefore, when Defendant issues the Section 406(b) check for payment to Plaintiff's attorney, Defendant is directed to subtract the amount previously awarded under EAJA and pay Plaintiff's attorney, Laurie B. Mapes, the balance of \$16,100.65, less any applicable processing or user fees prescribed by statute. The Section 406(b) check should be mailed to Laurie B. Mapes at P.O. Box 1241, Scappoose OR 97056.

IT IS SO ORDERED.

DATED this 4th day of November, 2024.



Michael H. Simon
United States District Judge

SUBMITTED BY:

/s/ Laurie B. Mapes
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Attorney for Plaintiff